A RESOLUTION AUTHORIZING THE CHIEF FINANCIAL OFFICER TO ISSUE A REFUND TO THE MULTIPLE SCLEROSIS CENTER OF GEORGIA, INC. IN AN AMOUNT NOT TO EXCEED FIFTY SIX THOUSAND SIX HUNDRED NINETY THREE DOLLARS AND NINETY FOUR CENTS (\$56,693.94) FOR AN OVERPAYMENT OF BUSINESS LICENSE FEES; ALL FUNDS SHALL BE CHARGED TO AND PAID FROM FDOA 1001(General Fund) 200301 (NDP Unallocated –Citywide Employee Expenses) 5730012 (Account Refunds) 154000 (Function Activity Human Resources); AND FOR OTHER PURPOSES.

WHEREAS, the Multiple Sclerosis Center of Georgia, Inc. has requested a refund in the amount of FIFTY SIX THOUSAND SIX HUNDRED NINETY THREE DOLLARS AND NINETY FOUR CENTS (\$56,693.94) for an overpayment of business license fees for tax reporting periods of 2006, 2007 and 2008 due to continued remittance of business fees to the City of Atlanta after receiving 501 c (3) tax exemption status from the Internal Revenue Service; and

WHEREAS, the Multiple Sclerosis Center of Georgia, Inc. has submitted supporting documents to the Office of Revenue to substantiate its claim; and

WHEREAS, the Office of Revenue investigated the claim and has determined that the Multiple Sclerosis Center of Georgia, Inc. is entitled to a refund in an amount not to exceed FIFTY SIX THOUSAND SIX HUNDRED NINETY THREE DOLLARS AND NINETY FOUR CENTS (\$56,693.94).

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES, that the Chief Financial Officer is hereby directed to issue a refund to the Multiple Sclerosis Center of Georgia, Inc. in an amount not to exceed FIFTY SIX THOUSAND SIX HUNDRED NINETY THREE DOLLARS AND NINETY FOUR CENTS (\$56,693.94) for overpayment of business license fees to the City of Atlanta for tax reporting periods of 2006, 2007 and 2008.

**BE IT FURTHER RESOLVED**, that said refund shall be charged to and paid from FDOA 1001(General Fund) 200301 (NDP Unallocated –Citywide Employee Expenses) 5730012 (Account Refunds) 154000 (Function Activity Human Resources).

## A RESOLUTION BY FINANCE/EXECUTIVE COMMITTEE

A RESOLUTION AUTHORIZING THE CHIEF FINANCIAL OFFICER TO ISSUE A REFUND TO THE MULTIPLE SCLEROSIS CENTER OF GEORGIA, INC. IN AN AMOUNT NOT TO EXCEED SIXTY ONE THOUSAND EIGHT HUNDRED THIRTY FIVE DOLLARS AND TWO CENTS (\$61,835.02) FOR AN OVERPAYMENT OF BUSINESS LICENSE FEES; ALL FUNDS SHALL BE CHARGED TO AND PAID FROM FDOA 1001(General Fund) 200301 (NDP Unallocated –Citywide Employee Expenses) 5730012 (Account Refunds) 154000 (Function Activity Human Resources); AND FOR OTHER PURPOSES.

WHEREAS, the Multiple Sclerosis Center of Georgia, Inc. has requested a refund in the amount of SIXTY ONE THOUSAND EIGHT HUNDRED THIRTY FIVE DOLLARS AND TWO CENTS (\$61,835.02) for an overpayment of business license fees for tax reporting periods of 2005, 2006, 2007 and 2008 due to continued remittance of business fees to the City of Atlanta after receiving 501 c (3) tax exemption status from the Internal Revenue Service; and

WHEREAS, the Multiple Sclerosis Center of Georgia, Inc. has submitted supporting documents to the Office of Revenue to substantiate its claim; and

WHEREAS, the Office of Revenue investigated the claim and has determined that the Multiple Sclerosis Center of Georgia, Inc. is entitled to a refund in an amount not to exceed SIXTY ONE THOUSAND EIGHT HUNDRED THIRTY FIVE DOLLARS AND TWO CENTS (\$61,835.02).

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES, that the Chief Financial Officer is hereby directed to issue a refund to the Multiple Sclerosis Center of Georgia, Inc. in an amount not to exceed SIXTY ONE THOUSAND EIGHT HUNDRED THIRTY FIVE DOLLARS AND TWO CENTS (\$61,835.02) for overpayment of business license fees to the City of Atlanta for tax reporting periods of 2005, 2006, 2007, and 2008.

**BE IT FURTHER RESOLVED**, that said refund shall be charged to and paid from FDOA 1001(General Fund) 200301 (NDP Unallocated –Citywide Employee Expenses) 5730012 (Account Refunds) 154000 (Function Activity Human Resources).

<u>Part II: Legislative White Paper:</u> (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Com	mittee of Purview:
Capt	ion:
Coui	ncil Meeting Date:
Requ	esting Dept.:
B. To I	be completed by the department :
1. Ple	ase provide a summary of the purpose of this legislation (Justification Statement).
,	ple: The purpose of this legislation is to anticipate funds from a local assistance grant to purchase safety seats.
*	rpose of this legislation is to refund overpayment payment of ess License Fees .
2. Ple	ase provide background information regarding this legislation.
conse	ole: The task force of homelessness conducted a study regarding homelessness, its impact and quences on the City. This resolution reflects the Mayor's desire to open a twenty-four hour center ill respond to the needs of the homelessness in Atlanta.
30327, (c)(3) t overpa	lultiple Sclerosis Center of Georgia, Inc., located at 3200 Downwood Circle NW-Suite 550, Atlanta, GA., continued to remit their business license fees to the City of Atlanta after filing and receiving section 50° ax exemption from the Internal Revenue Services pursuant to O.C.G.A. 48-13-13 in 2003, resulting in an syment of taxes in the amount of \$ 61,835.02 for the statue of limation tax reporting periods of 2005, 2006 and 2008.
3. <u>If A</u>	pplicable/Known:
(a)	Contract Type (e.g. Professional Services, Construction Agreement, etc):
(b)	Source Selection:
(c)	Bids/Proposals Due:
(d)	Invitations Issued:

(e)	Number of Bids:
(f)	Proposals Received:
(g)	Bidders/Proponents:
(h)	Term of Contract:
4. Fun	d Account Center:
5. Sou	rce of Funds: Example: Local Assistance Grant
(Gener	cal Impact: The legistlation will result in a reduction in the amount of \$ 61,835.02 to the 1001 al fund), 200301 (NDP Unallocated-Citywide Employee Expenses) 5730012 (Account Refunds) (Function Activity Human Resources).
•	ele: This legislation will result in a reduction in the amount of to Fund Account  Number
7. Met	hod of Cost Recovery: N/A
Examp	vies:

- a. Revenues generated from the permits required under this legislation will be used to fund the personnel needed to carry out the permitting process.
- b. Money obtained from a local assistance grant will be used to cover the costs of this Summer Food Program.

**This Legislative Request Form Was Prepared By:** Jerome Bodiford, Finance Department x6431, submitteed by LaShawn Gardiner, x6449

## REFUND REQUEST APPROVAL

### REQUEST FOR REFUND

Date	April 23 <u>, 2009</u>		Account # 088190 FGB	
To:	Jerome Bodiford, Business Tax Manager		(Approval Initials	
From: Rosa Hutchins				
Business Name		Multi Sclerosis Center of Georgia, Inc.		
Business Location		3200 Downwood Circle NW-Suite 550		
		Atlanta, Georgia 30327		
Mailin	g Address	3200 Downwood Circle NV	/ – Suite 550	
	į	Atlanta, GA 30327		
		Telephone Number 770	-805-2000	
Contac	t Person	Kelly Bollinger, CPA		

Reason for Request The Multiple Sclerosis Center of Georgia, Inc., located at 3200 Downwood Circle NW-Suite 550, Atlanta, Georgia 30327, continued to remit license tax payments to the City of Atlanta after filing for and being granted 501(c)(3) Federal Tax exempt status.

Multiple Sclerosis Center of Georgia, Inc.

Refund Amount

\$61,835.02

Federal Tax ID#

55<u>-0821471</u>

Make Disbursement Payable to

Multiple Sclerosis Center OF Georgia, Inc.

3200 Downwood Circle NW - Suite 550

Atlanta, GA 30327

Submitted by

Approved by

Date

Date



December 1, 2008

Carr, Riggs & Ingram, LLC
Certified Public Accountants
4360 Chamblee Dunwoody Road, Suite 420
Atlanta, Georgia 30341
Telephone 770.457.6606 • Fax 770.451,2873
www.cricpa.com

Mr. Jerome Bodiford Manager City of Atlanta Business Tax Division 55 Trinity Avenue, Ste 1350 Atlanta, GA 30303

RE: The Multiple Sclerosis Center of Georgia, Inc.

Business License Tax Refund - Nonprofit Status

Dear Mr. Bodiford:

On behalf of the above-referenced taxpayer, I am writing to request a refund of previously paid business and professional license taxes in the amount of \$62,536.41. These taxes were paid by The Multiple Sclerosis Center of Georgia, Inc. despite the fact that it qualifies as a nonprofit organization under Section 501(c)(3) of the Internal Revenue Code and is therefore exempt from the taxes pursuant to O.C.G.A. § 48-13-13.

When the organization applied for its original license with the City of Atlanta in 2001, it either was a general business or failed to notify the city of its nonprofit status. In 2003, the organization became a 501(c)(3) public charity as evidenced by the enclosed final determination letter from the IRS. However, despite the IRS ruling, the organization has simply renewed its license each year and continued to pay the assessed license taxes.

Therefore, the organization respectfully requests a refund of these past, erroneously-paid taxes. Please find enclosed copies of the checks used to pay the organization's business and professional license taxes as well as copies of the related license tax bills. Please see to it that the amounts shown on the checks are refunded to the organization as soon as possible and modify your records to show that the organization is a qualifying nonprofit organization exempt from business and professional license taxes. If a new license application is in order, please send one to the organization along with instructions on how to indicate its nonprofit status to the city correctly.

The enclosed information as well as the above explanation should allow this refund request to be granted, and I thank you in advance for your assistance with this matter. If you have any questions, please feel free to contact the undersigned.

Very truly yours,

Kelly Sollinger, CPA

KB/bip

Enclosures

cc: Ms. Billie Bishop Dr. William Stuart

#### CITY OF ATLANTA DEPARTMENT OF FINANCE OFFICE OF REVENUE **BUSINESS TAX CALCULATOR**

YEAR	2005	2006	2007	2008
TAX CLASS	5	5	5	5
TAX RATE	1.40	1.40	1.40	1.4
FLAT RATE	50.00	50,00	50.00	50.0
REGISTRATION FEE	75.00	75,00	75.00	75.0
EMPLOYEE RATE	15.00	15.00	15.00	15.00
STANDARD DEDUCTION	10,000.00	10,000.00	10,000.00	10,000.0
FTF PRE-2005 10%/ 2005-PRESENT \$500	*	*		-
FTP (10%)	0.10	0.10	0.10	0.10
NTEREST RATE (1% or 0.01)	0.01	0.01	0.01	0.0
DELINQUENT CHARGE (1.50-3.00)	1.50	1.50	1,50	1.50
EMPLOYEE CREDIT	1	1	1	
	and the second s	A STATE OF THE STA		
Actual Revenue	4,231,205.00	5,201,412.00	13,878,459.00	13,878,459.00
Flate Rate Credit \$50=10,000	10,000.00	10,000,00	10,000.00	10,000.00
Number of Employee	37	56	42	42
Adjusted No. of Employee (\$15=1)	36	55	41	4
<b>Ta</b> x	6,574.69	8,217.98	20,155.84	20,155.84
Registration Fee Credit (\$75 If Paid)	i semiconare	-	*	ven
3iii Adjustment (+/-)	(404.93)	Maren No.		
PY Unpaid Balance	1 2000	-	-	an.
Y Payment Credit		~	-	N/
Adjusted Tax Due	6,169.76	8.217.98	20,155.84	20,155.84
allure To File Penalty-\$500 Pre-'05 10%				Arrive Street
ailure To Pay Penalty (10%)	330.10	164.33	2,015,59	2,015.59
Current Date/Payment Date				and the second s
Bill due Date				
lumber of Month Late	Assessment of the second	-		
nterest (1% per month)	33.76	32,86	403.12	403.12
IFA	1.50	1.50	3.00	3.00
ayment Credit-Received After Due Date				N. C.
otal Amount Due	6,535.12	8,416.67	22,577.55	22,577.55
ayments	5,141.08	9698.38	11047.6	35947.9
rand Total REMITTED	\$ 61,835.02			

otal TO BE REFUNDED \$ 61,835.02

IOTE: \$75.00 COVERS 1 EMPLOYEE AND THE FIRST \$10,000.00 \$50:00 PLUS (RATE VARIOUS EXAMPLE \$1:10 PER 1000)

\$15.00 PER EMPLOYEE FAILURE TO PAY CHARGE \$500.00 PENALTY

FIFA CHARGE \$1.50

INTEREST CHARGE ON UNPAID BALANCE 1% PER MONTH (12% ANNUALLY)

INTERNAL REVENUE SERVICE P. O. BOX 2508 CINCINNATI, OH 45201

Date:

MAR 26 2007

MULTIPLE SCLEROSIS CENTER OF GEORGIA INC 3200 DOWNWOOD CIR NW STE 550 ATLANTA, GA 30327-1624 Employer Identification Number: 55-0821471

DLN:

makaman pama maka apitan kamin kamin kapitama an na maka a an maka mahan maha maha maha maha mahama man maha m

17053062737007 Contact Person: CARLY D YOUNG

ID# 31494

Contact Telephone Number:

(877) 829-5500

Public Charity Status:

509(a)(2)

Dear Applicant:

Our letter dated September 2003, stated you would be exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code, and you would be treated as a public charity, rather than as a private foundation, during an advance ruling period.

Based on the information you submitted, you are classified as a public charity under the Code section listed in the heading of this letter. Since your exempt status was not under consideration, you continue to be classified as an organization exempt from Federal income tax under section 501(c)(3) of the Code.

Publication 557, Tax-Exempt Status for Your Organization, provides detailed information about your rights and responsibilities as an exempt organization. You may request a copy by calling the toll-free number for forms, (800) 829-3676. Information is also available on our Internet Web Site at www.irs.gov.

If you have general questions about exempt organizations, please call our toll-free number shown in the heading.

Please keep this letter in your permanent records.

Sincerely yours,

Lois G. Lerner

Director, Exempt Organizations

Rulings and Agreements

3LA272 BUSINES GENERAL BUSI	S LICENSE INFORMATIONESS LICENSE FEE SUM	ON SYSTEM  MMARY INQUIRY '	DATE: 04/23/09 FIME: 11:53:15
38160 MSC OF GEORGIA	ST: F C	SD: 2001-02	-23
TOTAL LIC FEES: 6 ADJUSTMENTS: - FAIL-TO-PAY: FAIL-TO-FILE: DELINQUENT CHG: INTEREST: OMN FINES - NSF: TOTALS: \$6	2006-01-03   2007-02-15 ,205.00   \$5,20   56   7389 5   \$75.00   ,499.69   \$404.93   \$330.10   \$0.00   \$1.50   \$33.76   \$0.00	) 200	\$13,878,459.00 42 9 5 \$75.00 20,080.84
RECORD SUCCESSFULLY SELECTED  HELP 2= 3=PRE	- YOU MAY TRANSFER	OR BROWSE 5=	6==

LA272	BUSINESS LICENSE ENERAL BUSINESS LICEN	INFORMATION SY USE FEE SUMMARY	STEM DINQUIRY T	DATE: 04/23/09 CIME: 11:53:36
8160 MSC OF GEO	ORGIA	ST: F C S	SD: 2001-02-	-23
COUNT BALANCE:	-\$22,451.04			
PORTING PERIOD: 2	2008-01-01			
FILING DATE: 2	2008-01-12		<b>†</b>	
DOLLAR VOLUME:	\$0.00			
LL-TIME EMPLS.:	1		-	
SIC CODE-CLASS: 3	7389 5			
ANNUAL ADMN:	\$75.00		1	
TOTAL LIC FEES:	50.00		1	
ADJUSTMENTS:	\$0.00		‡	
FAIL-TO-PAY:	\$0.00			
FAIL-TO-FILE:	\$0.00			
DELINQUENT CHG:	\$0.00		Ì	
INTEREST:	\$0.00			
MN FINES - NSF:	\$0.00		1	
TOTALS:	\$125.00			
PAYMENTS:	-\$35,947.96			
ND OF FILE	•			
=HELP 2=	3=PREV SCRN	4=	5=	6=
= 8=REF	TUND 9=ADJ INQUIRY			

The Multiple Sclerosis Ctr of GA 19802 a Center for MS Research and Patient Care 3200 Downwood Circle, Suite 550 Allanta, GA 30327 (404) 351-0205

BANK OF NORTH GEORGIA ALPHARETTA, GA 30004 64-7029/2611

5764

5/19/2008

Pay to the

in othe

City of Atlanta

\*\*35,947.96

(Mollars 🗈 麗

City of Atlanta City Hall South 55 Trinity Ave. SW Atlanta, GA 30335

088160LGB

"005764" :: 264170290:

100049014

The Multiple Sclerosis Center of Georgia

5764

City of Atlanta

Date Type 5/19/2008 Sill

Reference 2007

Original Amt 35,947,96

Balance Due

Discount 35,947,96

Check Amount

5/19/2008

Payment 35,947.96 35,947,96

Operating - Bank of N 088160LGB

35,947.96

5764

The Multiple Sclerosis Center of Georgia

City of Atlanta

Type Date 5/19/2008 Bill

Reference 2007

Original Amt. 35,947.96

5/19/2008 Balance Due 35.947.96

Discount

Payment 35,947.96 35,947.96

Check Amount

Operating - Bank of N 088160LGB

(4)

35,947.96



n Certer for MS Research and Patient Care 3200 Downwood Circle, Suite 550 Atlanta, GA 30327 (404) 351-0205 The Multiple Sclerosis Ctr of GA 20103 REC CENTURA BANK HIGH POINT, NC 27260 88-85/531

4179

Pay to the

mente

City of Atlanta

\$ \*\*5,141.08

1/25/2005

City of Atlanta City Hall South 55 Trinity Ave. SW Atlanta, GA 30335

x000692001

#OO4179# #O53100850#6010024118#

The Multiple Sclerosis Center of Georgia

1/25/2005

4179

City of Atlanta 884 - Licenses and Pennits

2005 Business License

5,141.08

RBC Operating

x000692001

5.141.08

The Multiple Sclerosis Center of Georgia

1/25/2005

4179

City of Atlanta 884 - Licenses and Pennits

2005 Business License

5,141.08

RBC Operating

x000692001

5,141.08





\_MSC和A

The Multiple Sclerosis Cir of GA 09/00 a Center for MS Research and Patient Care 3200 Dawnwood Circle, Suite 530 Atlanta, GA 30327 (404) 351-0205

BANK OF NORTH GEORGIA ALPHARETTA, GA 30004 64-7029/2611 1469

Pay to the Index of \_

City of Atlanta

\$ \*\*9,698,38

1/26/2006

第ollars A 麗

City of Atlanta City Hall South 55 Trinity Ave. SW Atlanta, GA 30335

MOM

PARTINE WELL AND A SAME AND A SAM

088160004

"ODILGG" "EBLL70290"

0100015970#

The Multiple Scierosis Center of Georgia

City of Atlanta

884 · Licenses and Permits

Business License

1/26/2006

1469

9,698.38

Bank of North Go Operatin 08\$160004

9,698.38

The Multiple Sclerosis Center of Georgia

City of Atlanta

884 - Licenses and Permits

Business License

1/26/2006

1469

9,698.38

Bank of North Ga Operatin 088160004

9,698.38





# THE MULTIPLE SCLEROSIS CENTER OF GEORGIA, INC. CITY OF ATLANTA BUSINESS LICENSE TAX REFUND REQUEST

CHECK NUMBER	TAX TYPE	<u>PERIOD</u>	AMOUNT
5764	BUSINESS	1/1/2008	35947.96
4179	BUSINESS	1/1/2005	5141.08
1469	BUSINESS	1/1/2006	9698.38
4424	BUSINESS	1/1/2007	10948.99
4425	PROFESSIONAL	1/1/2007	400
5232	PROFESSIONAL	1/1/2008	400

BLA244

#### BUSINESS LICENSE INFORMATION SYSTEM

BILLING

DATE: 05/19/08 TIME: 15:31:52

BILL/ACCOUNT SUMMARY INQUIRY

LICENSE/TAX NO.: 088160 LGB BUSINESS NAME: MSC OF GEORGIA

ACCOUNT STATUS: R D START DATE: 2001-02-23 END DATE:

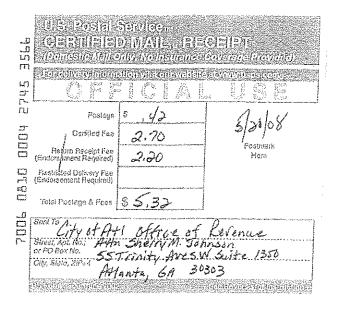
LOCATION ADDRESS: 3200 DOWNWOOD

CI NW

ATLANTA GA 30327 -

*	T INFORMATION 2008-01-01	BILL NO	Bill DATE	BILL DUE DATE	BALANCE DUE 7/8/9
FILE DATE:	2008-01-12		~ ~ ~ ~ ~ ~ ~ ~ ~ ~	~ ~ ~ ~ ~ ~ ~ ~ ~ ~	and the same was the same that the last the same that the
COMP. NO.:	000957604	929925	2008-05-15	2008-06-01	\$35,947.96
COMP. TYPE:	REN				
CLASS:	5				
SIC CODE:	7389	REMIT	REMIT RELATED	DATE	REMIT
SIC DESC:	MISC BUSINESS S	NO	TYPE REMIT N	O. ENTERED	AMOUNT 10/11
NO. EMPLS.:	42	***			
VOLUME;	\$13,878,459.00	548907	PAY 54890	7 2007-06-01	-\$98.61
4/5	The state of the s				
		CURRENT	ACCOUNT BALAN	CE = \$35,	947.96

3=PREV SCRN 4=COMP FRWD 5=COMP BKWD 6=MEMO LOG 1=HELP 2= 7=BILL FRWD 8=BILL BKWD 9=DSPLY BILL 10=REMT FRWD 11=REMT Bkwd 12=PREV MENU



### TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE	ATIN: GREG PRIDGEON			
Dept.'s Legislative Liaison: LaShawn Gardiner				
Contact Number: (404) 330-6449				
Originating Department: <u>Department of Finance</u>				
Committee(s) of Purview: FINANCE/EXECUTIVE COMMI	TTEE			
Chief of Staff Deadline: 5/26/2009				
Anticipated Committee Meeting Date(s): JUNE 9-10, 2009				
Anticipated Full Council Date: JUNE 15, 2009				
Legislative Counsel's Signature: Jack Tilson				
Commissioner Signature:				
Chief Procurement Officer Signature:				
CAPTION				
A RESOLUTION AUTHORIZING THE CHIEF FINANCIAL OFFICER TO ISSUE A REFUND TO THE MULTIPLE SCLEROSIS CENTER OF GEORGIA, INC. IN AN AMOUNT NOT TO EXCEED SIXTY ONE THOUSAND EIGHT HUNDRED THIRTY FIVE DOLLARS AND TWO CENTS (\$61,835.02) FOR AN OVERPAYMENT OF BUSINESS LICENSE FEES; ALL FUNDS SHALL BE CHARGED TO AND PAID FROM FDOA 1001(General Fund) 200301 (NDP Unallocated –Citywide Employee Expenses) 5730012 (Account Refunds) 154000 (Function Activity Human Resources); AND FOR OTHER PURPOSES.				
FINANCIAL IMPACT (if any):				
Mayor's Staff Only				
Received by CPO: Received by LC from CPC	):(date)			
Received by Mayor's Office: 201/01 Reviewed by:				
Submitted to Council: (date) (date)  (date)				